

MR1197-607

Serial Number: 10/780,654

Response to the Final Office Action Dated 16 December 2005

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Final Office Action dated 16 December 2005. Responsive to the rejections made in the Office Action, Claim 1 has been amended to correct the language thereof and the relationship of the handle with the positioning apparatus. Claim 4 was previously cancelled.

In the Office Action, the Examiner rejected Claims 1 – 3 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner stated that the claimed pivotal coupling of the handle was not supported by the Specification.

Claim 1 has been amended to define the handle as being coupled to and biased by the spring, as described in the Specification and shown in the drawings. Therefore, it is now believed that the claims define the invention as described in the Specification and such enables one skilled in the art to make and/or use the invention.

Further, the Examiner rejected Claims 1 – 3 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner stated that the limitation “apertures” with respect to penetration of the rod, was unclear.

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Accordingly, Claims 1 has been amended to make clear what apertures are being referred to, and now particularly point out and distinctly claim the subject matter that Applicant regards as the invention.

It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
FOR ROSENBERG, KLEIN & LEE



David I. Klein

Registration #33,253

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Rosenberg, Klein & Lee
Suite 101
3458 Ellicott Center Drive
Ellicott City, MD 21043
(410) 465-6678
Client No. 04586

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office, Art Unit #3679, at (571) 273-8300, on the date shown below.

For: ROSENBERG, KLEIN & LEE


DAVID I. KLEIN3/15/2006
Date